

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)
V.)
HENRI SALVADOR GUTIERREZ)
Criminal No. 18-10450-MLW

DEFENDANT'S RESPONSE TO COURT ORDER REGARDING CASE RESOLUTION

By its November 23, 2020 Order (Docket No. 475) this Court, *inter alia*, ordered the defendant, HENRI SALVADOR GUTIERREZ, along with the other defendants to confer with the government and report by December 15, 2020, whether an agreement to resolve this case by plea has been reached. This Court also ordered that if there is no resolution the parties propose a further date to report again on this matter.

Undersigned counsel's ability to specifically confer with the defendant has been interrupted by recent occurrences in the litigation but undersigned can state that, at this time, Gutierrez insists on his right to a trial by jury.

The Court is aware that Defendant, Gutierrez, has filed a motion to suppress unrecorded statements Gutierrez allegedly made to CW-13 as well as those subsequently captured on a surreptitious audio recording the government made in 2018 of Gutierrez while he was detained with the government's main witness and alleged agent, CW-13 (including the English translation thereof) and has set hearing thereon for the week of January 19, 2021. As this Court's subsequent decision on that motion could significantly impact the government's case against Gutierrez, counsel respectfully requests a further trial status reporting date as the Court directs upon the

conclusion of presentations of evidence by the moving and opposing parties to the Motion to Suppress or by February 2, 2021 as the Court deems appropriate.

Respectfully submitted,

HENRI SALVADOR GUTIERREZ,
By his attorney,

/s/ George F. Gormley
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Dated: December 9, 2020

CERTIFICATE OF SERVICE

I, George F. Gormley, certify that I understand that all counsel will receive electronic notice of the electronic filing of this pleading.

/s/ George F. Gormley
George F. Gormley